

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-----------------------|---|----------|
| ROGER LEWIS, |) | |
| |) | |
| Plaintiff, |) | 8:12CV98 |
| |) | |
| vs. |) | ORDER |
| |) | |
| ENVIRONMENTAL TILLAGE |) | |
| SYSTEMS, INC., |) | |
| |) | |
| Defendant. |) | |

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.” In this case the complaint was filed on March 9, 2012. **See** [Filing No. 1](#). The plaintiff filed notice of executing a summons on the defendant by August 3, 2012. **See** [Filing No. 9](#) (although unclear the date on the certified mail receipt appears to be July 27, 2012, and no date was written on the receipt upon delivery, however the plaintiff indicates in docket text upon filing the summons executed that service occurred on August 3, 2012). In any event, the defendant has not entered an appearance or filed a timely answer and no other progress has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR 55.1\(a\)](#), as appropriate. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on September 14, 2012**, to file a motion for clerk’s entry of default or show cause why this case should not be dismissed for failure to prosecute.

Dated this 4th day of September, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge